

Revised: April 22, 2021

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Sumira,		:
	Plaintiff(s),	: No. <u>22-cv-01130</u> (PGG) (SDA)
		:
-against-		:
		:
Henschke et al,		:
	Defendant(s).	:
		:
-----X		:

**REPORT OF RULE 26(f) MEETING AND PROPOSED CASE MANAGEMENT PLAN**

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties spoke on April 26, 2022 and exchanged communications thereafter, and submit the following report of their meeting for the court's consideration:

**1. Summary of Claims, Defenses, and Relevant Issues**

**Plaintiff:**

Plaintiff worked as a superintendent, home health aide, and manual worker at Defendants' 5-floor, 10-unit townhouse located in the Upper West Side of Manhattan, at 37 West 69th Street, New York, NY 10023 (Block: 7603, Lot: 15) (the "Upper West Side Property"), from on or around October 2014 through and including June 2021. Defendants' historic policy and practice was to pay Plaintiff a fixed weekly salary, regardless of how many hours Plaintiff worked in a week. As a result, Defendants operated their business with a policy of not paying Plaintiff for all regular or overtime hours worked, in violation of the FLSA and NYLL.

**Defendant:**

Defendants deny the allegations in Plaintiff's Complaint.

**2. Basis of Subject Matter Jurisdiction:** 29 U.S.C. § 216 (b), 28 U.S.C. § 1331 and 28 U.S.C. § 1337

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**3. Subjects on Which Discovery May Be Needed****Plaintiff:**Defendants' payroll and timekeeping practices.  

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**Defendant:**Defendants' payroll and timekeeping practices.  

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**4. Initial Disclosures**

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Plaintiff(s) on 3/1/2022. In addition, on 5/4/2022, Plaintiff(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Defendant(s) on 4/3/2022. In addition, on 5/4/2022, Defendant(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

**5. Formal Discovery**

The parties jointly propose to the Court the following discovery plan:

a. All fact discovery must be completed by 9/1/2022.

b. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court,

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provided that the parties meet the deadline for completing fact discovery set forth in 5(a) above.

- i. Depositions: Depositions shall be completed by 9/1/2022 and limited to no more than 2 depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- ii. Interrogatories: Initial sets of interrogatories shall be served on or before 6/3/2022. All subsequent interrogatories must be served no later than 30 days before the discovery deadline.
- iii. Requests for Admission: Requests for admission must be served on or before 8/1/2022.
- iv. Requests for Production: Initial requests for production were/will be exchanged on 6/3/2022 and responses shall be due on 7/4/2022. All subsequent requests for production must be served no later than 30 days before the discovery deadline.
- v. Supplementation: Supplementations under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

#### 6. Anticipated Discovery Disputes

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

None.

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#### 7. Amendments to Pleadings

- a. Are there any amendments to pleadings anticipated? No.
- b. Last date to amend the Complaint: 7/4/2022

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**8. Expert Witness Disclosures**

At this time, the parties do/do not (circle one) anticipate utilizing experts. Expert discovery shall be completed by \_\_\_\_\_.

**9. Electronic Discovery and Preservation of Documents and Information**

- a. Have the parties discussed electronic discovery? Yes.
- b. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? No. The parties defer to the Fed.R.Civ.P. regarding the exchange of all discovery.
- c. Do the parties want the Court to enter a Rule 502(d) Order? (see [Rule 502\(d\) Order](#))
- Yes \_\_\_\_\_ No x
- d. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

No.

**10. Anticipated Motions**

None.

**11. Early Settlement or Resolution**

The parties have/have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than 7/1/2022. The following information is needed before settlement can be discussed:

All of the information outlined in the Honorable Judge Paul E. Gardephe's March 2, 2022 Mediation Referral Order [Dckt. No. 13]

**12. Trial**

- a. The parties anticipate that this case will be ready for trial by 9/30/2022.

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b. The parties anticipate that the trial of this case will require 2-3 days.

c. The parties do do not (circle one) consent to a trial before a Magistrate Judge at this time.

d. The parties request a jury/bench (circle one) trial.

**13. Other Matters**

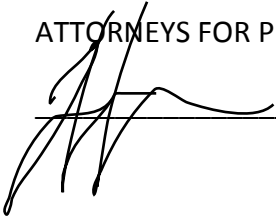
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Respectfully submitted this 27th day of April, 2022.

ATTORNEYS FOR PLAINTIFF(S):

  
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